

City Council

Meeting Minutes

**August 2, 2016
City Hall, Council Chambers
749 Main Street
6:00 PM**

SPECIAL MEETING – EXECUTIVE SESSION

Call to Order – Mayor Pro Tem Lipton called the meeting to order at 6:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle, Mayor Pro Tem Lipton; City Council members Sue Loo, Ashley Stolzmann, Jeff Lipton, Jay Keany and Chris Leh***

Staff Present: ***Malcolm Fleming, City Manager
Carol Hanson, Deputy City Clerk
Sam Light, City Attorney***

EXECUTIVE SESSION

CITY MANAGER ANNUAL EVALUATION

Louisville Code of Ethics, Section 5-2(b), CRS 24-6-402(4)(f)
– Authorized topics

Mayor Pro Tem Lipton noted the Mayor is requesting the City Council convene an Executive Session for the purpose of conducting an Annual Performance Review of the City Manager.

City Attorney Light introduced the request for executive session.

Deputy City Clerk Hanson read Section 2.90.050 – Public statement of the Louisville Municipal Code, which outlines the topics permitted for discussion in an executive session.

City Attorney Light stated the authority to conduct this executive session: Louisville Code of Ethics, Section 5-2(b), CRS 24-6-402(4)(f) – Authorized topics.

City of Louisville

***City Council 749 Main Street Louisville CO 80027
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MOTION: Mayor Muckle moved the City Council adjourn to executive session for the purpose of a performance review of the City Manager as authorized by the laws noted by the City Attorney and the executive session include the City Council and the City Attorney seconded by Council member Loo. The motion carried by a vote of 7-0.

The City Council adjourned to executive session at 6:03 p.m.

The Special City Council meeting reconvened at 7:06 p.m.

CITY ATTORNEY REPORT ON THE EXECUTIVE SESSION

City Attorney Light reported in executive session, the City Council discussed the annual performance review of the City Manager and Council desires to now conduct the regular meeting and re-convene the executive session after the meeting.

7:00 PM

Call to Order – Mayor Muckle called the meeting to order at 7:07 p.m.

Roll Call was taken and the following members were present:

City Council: *Mayor Muckle, Mayor Pro Tem Jeff Lipton, City Council members: Jay Keany, Chris Leh, Susan Loo, Dennis Maloney, Ashley Stolzmann*

Staff Present: *Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Kevin Watson, Finance Director
Scott Robinson, Planner II
Robert Zuccaro, Planning & Building Safety Director
Joe Stevens, Parks and Recreation Director
David Hayes, Police Chief
Carol Hanson, Deputy City Clerk*

Others Present: *Sam Light, City Attorney*

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda, moved to approve the agenda adding the executive session at the end of the regular meeting, seconded by Council member Maloney. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Logan Mueller, 1101 Spruce St., expressed concern about the downtown construction projects and the impact on residents. He asked for a better process for future construction.

Debby Fahey, 1118 W. Enclave Circle thanked Public Works for the good work on McCaslin Boulevard. She asked why there are still work zone signs on Hwy. 36.

APPROVAL OF THE CONSENT AGENDA

Mayor Muckle called for changes to the consent agenda and hearing none, moved to approve the consent agenda, seconded by Council member Leh. All were in favor.

- A. *Approval of Bills***
- B. *Approve July 19, 2016 minutes***
- C. *Approve Special Meetings on August 9, 2016 and August 30, 2016 at 7:00 PM***
- D. *Approve Resolution No. 37, Series 2016 – A Resolution Approving a Grant Agreement Between the Colorado Department of Transportation and the City of Louisville Concerning a Faster Safety Grant for Construction of the State Highway 42 and Short Street Project***
- E. *Approve Joint Stipulation and Agreement Resolving City Participation in Maes Quiet Title Action – 1145 Pine Street – Boulder County District Court Case No. 216-CV-30472***
- F. *Award Bid for 2016 Sanitary Sewer Main Replacement***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Council member Loo asked for an announcement on quiet zones and thanked those involved in making it happen. Mayor Muckle noted there was money set aside for improvements on the Northwest Rail which can be used for quiet zones at railroad crossings.

CITY MANAGER'S REPORT

City Manager Fleming reported on the following:

- Work on Hwy. 36 is continuing at night.
- Will take a look at Spruce Street construction to minimize impact to residents

REGULAR BUSINESS

RELAY FOR LIFE PROCLAMATION

Mayor Muckle proclaimed July 31 through August 6, 2016 as Relay for Life Week.

The American Cancer Society will hold its annual Relay for Life of East Boulder County on August 6 at Waneka Lake in Lafayette. Angie Layton, Event Chair of the Relay for Life of East Boulder County accepted the proclamation.

SUBMISSION OF TABOR BALLOT ISSUES TO THE LOUISVILLE VOTERS FOR A SPECIAL ELECTION TO BE HELD NOVEMBER 8, 2016

ORDINANCE NO. 1723, SERIES 2016 – AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY AT THE NOVEMBER 8, 2016 SPECIAL ELECTION A BALLOT ISSUE CONCERNING INCREASES IN CITY DEBT AND PROPERTY TAXES FOR THE PURPOSE OF CONSTRUCTING, EXPANDING AND RENOVATING THE LOUISVILLE RECREATION/SENIOR CENTER AND THE POOL FACILITIES AT MEMORY SQUARE PARK, AND AUTHORIZING OTHER ACTIONS REGARDING THE CONDUCT OF SUCH ELECTION – 2nd Reading – Public Hearing

ORDINANCE NO. 1724, SERIES 2016 – AN ORDINANCE IMPOSING AN ADDITIONAL 0.15 PERCENT SALES AND USE TAX BEGINNING JANUARY 1, 2018, TO BE USED FOR OPERATING AND MAINTAINING THE LOUISVILLE RECREATION/SENIOR CENTER AND POOL FACILITIES AT MEMORY SQUARE PARK, AND TO BE IMPOSED ONLY IF THE REGISTERED ELECTORS OF THE CITY APPROVE A BALLOT ISSUE FOR CONSTRUCTING, EXPANDING AND RENOVATING THE LOUISVILLE RECREATION/SENIOR CENTER AND THE POOL FACILITIES AT MEMORY SQUARE PARK; AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT A SPECIAL ELECTION TO BE HELD NOVEMBER 8, 2016 – 2nd Reading –Public Hearing

Mayor Muckle called for a City Attorney introduction.

City Attorney light introduced Ordinance No. 1723, Series 2016 and Ordinance 1724, Series 2016.

Mayor Muckle opened the public hearing on both ordinances and called for a staff presentation.

Deputy City Manager Balser noted Ordinance No. 1723, Series 2016, would submit to the voters of the City of Louisville a TABOR ballot issue to increase debt and property

taxes to construct, expand, and renovate the Louisville Recreation/Senior Center and the pool facilities at Memory Square Park.

- Debt amount of \$28.6 million
- Equates to 3.35 mills
- Assumes a relatively flat growth rate in assessed valuation
- Assumes interest rate on bonds of 4.138% and a 25 year term
- Total amount of debt service, both principal and interest over 25 years is approximately \$45,400,000

3.35 mills equates to annual increase in property taxes of

- \$107 on a \$400,000 house
- \$133 on a \$500,000 house

Ordinance No. 1724, Series 2016, imposes an additional 0.15 percent sales and use tax beginning January 1, 2018 for operating and maintaining the Louisville Recreation/Senior Center and the pool facilities at Memory Square Park.

- .15 percent sales and use tax generate approximately \$575,000 annually in revenue
- An additional 15 cents on every \$100 spent
- To cover the additional operations and maintenance necessary for the expanded and renovated facilities
- Ongoing beyond the 25 year debt financing
- Begin collection in January 2018
- Only imposed if financing for the construction is approved
- Best estimate on the 2018 sales and use tax necessary to collect \$575,000 annually
- Under TABOR should the amount collected exceed \$575,000 in the first year only, the City would need to refund the excess revenue unless additional voter approval to retain the excess

Mayor Muckle called for public comment and hearing none, called for Council comment.

Council member Keany asked what the offset would be when the Library bond debt service goes away. Finance Director Watson noted the net on a \$500,000 home would be a reduction from \$133 to \$75.

Mayor Muckle noted there had been some concern about this project being too large and stated this is part of why it is being referred to the voters.

Council member Keany felt the expanded aquatic facility with indoor/outdoor use addresses the outdoor aquatic center concern and allows for 12 months of use.

Mayor Muckle closed the public hearing.

City Attorney Light noted the number and letter of the ballot question noted in Ordinance No. 1724 has still not been determined by the County Elections Division and will be added to the ballot language when assigned.

MOTION: Council member Loo moved to approve Ordinance No. 1723, Series 2016, seconded by Mayor Muckle. Roll Call Vote: 7-0.

MOTION: Council member Loo moved to approve Ordinance No. 1724, Series 2016, seconded by Mayor Muckle. Roll Call Vote: 7-0

SOLAR ENERGY CAPACITY COMMITMENT AGREEMENT WITH CLEAN ENERGY COLLECTIVE AND RELATED LEASE PURCHASE AGREEMENT WITH ALPINE BANK

RESOLUTION NO. 38, SERIES 2016 - A RESOLUTION APPROVING A CAPACITY COMMITMENT AGREEMENT AND RELATED AGREEMENTS WITH CLEAN ENERGY COLLECTIVE FOR SOLAR PRODUCTION CAPACITY TOTALING 400 KILOWATTS

ORDINANCE NO. 1726, SERIES 2016 - AN ORDINANCE OF THE CITY OF LOUISVILLE, COLORADO AUTHORIZING AND APPROVING A LEASE PURCHASE FINANCING FOR SOLAR PANELS WITH ALPINE BANK AND, IN CONNECTION THEREWITH, CERTAIN RELATED DOCUMENTS AND TRANSACTIONS - 1st Reading — Set Public Hearing August 16, 2016

Mayor Muckle called for a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1726, Series 2016.

City Manager Fleming noted this was a follow up from a discussion at the last Council meeting where staff was asked to bring forward a detailed proposal for consideration. The packet contains a capacity commitment agreement; the City would purchase 400 kilowatts of power from Clean Energy Collective in exchange for bill credits from Xcel Energy as well as a combined lease/purchase agreement for an additional 198 kilowatts of power. Panels would be leased in a Clean Energy facility in exchange for bill credits and renewable energy credits. Assuming an interest rate of 4.75% interest rate on the lease purchase for the first 5 years, there would be a break-even at slightly less than 10 years. Over the life of the agreements savings generated would be about \$280,000 compared to continuing to purchase the same amount of electricity from Excel. The figures assume energy costs continue at 2 percent annually based on US Energy

projections for the next 40 years. Projections are very long term but pursued with break-even point at 10 years or less. Alpine Bank just came back with a higher interest rate; City Manager Fleming suggested the ordinance be approved contingent on 4.75% interest rate or less for the first five years.

Mayor Pro Tem Lipton noted the decrease in interest rate in out years noted in the packet. He wondered if there could be a dedication of kilowatt hours to the recreation center.

City Manager Fleming said staff would evaluate what meters would net the greatest overall savings for the City.

Mayor Pro Tem Lipton suggested the City look for ways to increase the amount of energy derived from solar arrays.

Council member Maloney asked if the agreement allows for scaling up, increasing the kilowatts, without entering into another agreement. City Manager Fleming answered not on these particular facilities, the lease/purchase agreement would allow for buying outright after five years and thus reduce the lease payments.

Council member Stolzmann noted this is consistent with citizen input and felt this is positive, allows the City to de-peak the system, lower the bills and wanted to continue to look for ways to reduce the carbon footprint. She suggested alternatives be sought for financing if the interest rate was too high.

Amy Thompson, with Clean Energy Collective, thanked Council for pursuing solar. She noted they will work with the bank and the City to achieve the financing rate. She noted the lease is not a package that would go toward the recreation center. If there are other economically viable opportunities, she would let the City know.

Mayor Muckle was glad to see this acquisition of solar for the City and was interested in continuing to seek these opportunities.

MOTION: Council member Stolzmann moved to approve Resolution No. 38, Series 2016, seconded by Council member Loo. Roll Call Vote: 7-0

City Attorney Light noted the City Manager suggested a condition concerning the interest rate upon approval of Ordinance No. 1726 on first reading.

MOTION: Councilmember Keany made a motion to approve Ordinance 1726, Series 2016, an Ordinance approving a lease purchase agreement with Alpine Bank for 198.555 KW of community solar capacity with Clean Energy Collective on 1st Reading, upon the condition that the lease to be executed provide for financing that, for at least the remainder of the initial five-year period, is at an interest rate of no more than 4.75%,

and set the public hearing for August 16, 2016. The motion was seconded by Councilmember Stolzmann. All in favor.

ORDINANCE NO. 1725, SERIES 2016 – AN ORDINANCE APPROVING AN AMENDMENT TO THE BUSINESS CENTER AT CTC GENERAL DEVELOPMENT PLAN (GDP) TO REZONE LOT 1, BLOCK 3, BUSINESS CENTER AT CTC FROM PCZD-C TO PCZD-I – 2nd Reading – Public Hearing

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1725, Series 2016.

Mayor Muckle opened the public hearing and called for a staff presentation.

Scott Robinson, Planner II, noted this is a request for rezoning of property in the Business Center at CTC.

The property is

Located in CTC

Property zoned PCZD-C

Requesting to rezone to PCZD-I

Governed by Business Center at CTC General Development Plan (GDP)

Property to the south rezoned to PCZD-I last year

CDDSG currently applies

Applicant requests IDDSG to apply if approved

Rezoning must meet one of the four following criteria to be approved, per section 17.44.050 of the LMC:

1. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the city's comprehensive plan;
Based on the history there is no indication the property was zoned in error.

2. The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area;
The CTC has seen significant development in the last few years, with many new buildings and tenants and the number of vacant lots decreasing. The area has changed by building out at a density too low to support commercial uses, and rezoning to industrial would encourage development of the parcel.

An alternative view is that, given the current and planned new development in the CTC, it may be prudent to wait longer for commercial demand to increase. The change in the area is the buildout of the properties in conformance with the adopted plans and zoning, which is not a change to such a degree that rezoning is warranted.

3. The proposed rezoning is necessary in order to provide land for a community-related use which was not anticipated at the time of the adoption of the city's comprehensive plan, and such rezoning will be consistent with the policies and goals of the comprehensive plan; or

There is no specific use proposed for the property at this time, but it would remain privately owned and be zoned commercial, so there is no indication that a desired community-related use would be developed.

4. The rezoning would only permit development which, if evaluated as a proposed annexation under the annexation standards and procedures codified in title 16, would qualify for annexation.

A. The comprehensive development plan of the city will be considered in determining whether an annexation will be approved.

The comprehensive plan calls for a mix of commercial and industrial uses in the area, so both the existing and proposed uses would be appropriate. However, considering this is one of two remaining undeveloped commercial parcels in the CTC, rezoning it would limit the ability to achieve the desired mix.

D. Zoning of the area to be annexed shall be reasonable in terms of existing city zoning classifications and shall be considered by the city planning commission. The proposed zoning, PZCD-I, is the same as the property immediately to the south, and most of the other properties in the Business Center at CTC, so could be considered reasonable.

When the Business Center at CTC GDP was approved the CDDSG applied not only to the three properties zoned PCZD-C, but also to properties zoned PCZD-I adjacent to Hwy 42. The applicant requests the applicable design standards be changed from the CDDSG to the IDDSG, which may change the character of the overall development plan.

Altering the applicable design standards for the property in question from the CDDSG to the IDDSG would create an inconsistent frontage along Hwy 42 and go against the goal of having the most prominent properties meet the higher design standards of the CDDSG. Therefore, if the GDP amendment is approved, staff recommends a condition requiring any development to still comply with the CDDSG.

Staff recommends denial of Ordinance No. 1725, Series 2016, rezoning Lot 1, Block 3, Business Center at CTC and amending the Business Center at CTC General Development Plan.

If approved, staff recommends the following condition:

1. The Louisville Commercial Development Design Standards and Guidelines shall remain the applicable development standards for Lot 1, Block 3, Business Center at CTC.

Planning Commission recommended approval with the following condition:

1. Principal structures on Lot 1, Block 3, Business Center at CTC shall be set back at least 100 feet from the north property line.

Mayor Muckle called for Council questions and hearing none called for an applicant presentation.

APPLICANT PRESENTATION

Jim Vasbinder, with Etkin Johnson, 1312 Larimer St., Denver, CO passed out site plans to Council. Mr. Vasbinder noted this parcel was part of the Louisville Business Center when the northern portion was re-platted. Buffers were created around this property with increased rights of way and conservation easements. He noted Etkin Johnson would like the zoning to be PCZD-I and the Industrial guidelines apply. An industrial building could then be built similar to the one to the south. There has been demand shown for this type of building. The commercial guidelines do not lend themselves to a building of this size. Etkin Johnson would agree to the Planning Commission condition.

Council member Keany wanted to see landscaping along Highway 42. Mr. Vasbinder expressed willingness to comply.

Council member Loo considers this a gateway and was not sure a huge industrial building at that corner was ideal. Mr. Vasbinder noted it would be a large building and suggested the additional landscaping, berm and additional set back could help to make the building more attractive. Etkin Johnson could also put in a sign on the corner of Highway 42 to create a gateway.

Council member Keany suggested adding color and interest to the building. Mr. Vasbinder noted the history of Etkin Johnson buildings generating money for the City. The vacant property does not benefit either Etkin Johnson or the City. Their buildings are fully leased. The design impact and feel of this building could be increased.

Mayor Pro Tem Lipton asked staff if there were still Planning principles to provide services to the workers in CTC. He noted there have been requests to change zoning due to the market and it would be hard to convert an industrial building to a retail use in the future. Planner Robinson noted there could be special review uses to provide some of those services.

Council member Loo asked how the City ensures the developer does the things suggested during this meeting.

City Attorney Light noted conditions could be imposed with the rezoning and could be reviewed during the PUD. The applicant could agree or disagree to the conditions.

Mr. Vasbinder noted a building could not be built on this site according to the commercial guidelines.

Mayor Muckle called for public comment.

Michael Menaker, 1827 W. Choke Cherry Drive noted it is important who the City partners with. Etkin Johnson has been a good partner. He did not see services/retail ever being built in CTC. He urged Council to approve and let staff and Etkin Johnson move forward. Council will see the result at PUD.

Mayor Muckle called for Council comments.

Council member Stolzmann went over the reasons to consider rezoning. She felt it reasonable to zone it industrial and enforce the commercial design guidelines.

Council member Leh felt the public interest was to rezone it, but was hesitant to zone it industrial and then try to impose commercial design guidelines.

Council member Maloney stated his support for the applicant.

Council member Loo noted life changes and plans can also, and asked staff to take Planning Commission's suggestion and to make sure any conditions are met.

Council member Keany remarked things have changed and supported enhancements with landscaping and architecture to go above industrial guidelines.

Council member Stolzmann noted this is only for rezoning and all the other buildings along this corridor have to follow the CDDSG.

Mr. Vasbinder recalled the reasoning and history was if the building at CTC was visible from downtown, it should follow the commercial guidelines. Mayor Pro Tem Lipton remembered designating it that way, too. He noted CTC is still an industrial park with scattered retail/commercial. He was not sure he wanted to set a precedent by rezoning.

Mayor Muckle called for public comment and heard none.

City Attorney Light noted the items included as part of the public hearing:
All application materials submitted by the applicant in connection with the GDP amendment rezoning application, all materials included in the City Council packet consisting of the staff communication and all attachments included with that communication, the public hearing notices and proof of publication and notice of this

hearing, all written referral and public comments received regarding the application, City zoning ordinances set forth in Title 17 of the Louisville Municipal Code, Citywide Comprehensive Plan, the Industrial and Commercial Development Design Standards and Guidelines and the two page conceptual site plan and one page buffer analysis presented by the applicant at the hearing.

Mayor Muckle moved those items be included as part of the record, seconded by Council member Loo. All in favor.

Mayor Muckle closed the public hearing.

Mayor Muckle agreed with rezoning and conditioning a high level of design.

MOTION: Council member Maloney moved to approve Ordinance No. 1725, Series 2016, with the following conditions added in Section 3:

- A. That development on the Property shall provide for landscaping and berming within Easement Area No. 2 and Outlot C meeting the standards of the City of Louisville Commercial Development Design Standards and Guidelines; shall provide for screening from Highway 42 of parking areas on the north side of the Property; and shall provide for architectural enhancements regarding building articulation, materials, texture and color, and treatment and screening of loading areas and other features above the standards of the City of Louisville Industrial Development Design Standards and Guidelines; otherwise, the development shall be governed by the Industrial Development Design Standards and Guidelines.
- B. That principal structures on Lot 1, Block 3, Business Center at CTC shall be set back at least 100 feet from the north property line.
- C. That development shall incorporate City/CTC entry features on Outlot C, acceptable to the City and determined at the time of PUD approval.
- D. The foregoing conditions shall be incorporated into the GDP prior to execution and recording.

Council member Leh seconded. Roll Call Vote: 5-2 Council member Stolzmann and Mayor Pro Tem Lipton voting no.

RESOLUTION NO. 36, SERIES 2016 – A RESOLUTION DENYING A REPLAT TO SUBDIVIDE A 15,000 SQUARE FOOT LOT INTO TWO LOTS IN THE RESIDENTIAL LOW (RL) ZONE DISTRICT, LOCATED AT 105 ROOSEVELT AVENUE, LOTS 15-17 & 10 FT VACATED ALLEY, BLOCK 4, JOHNSON’S FIRST ADDITION

Planner Robinson noted at their July 19, 2016 meeting, City Council held a public hearing to consider an application to subdivide the property at 105 Roosevelt Avenue. Council passed a motion directing staff to prepare a draft resolution for denial of the application and return the resolution to the City Council for consideration at their August 2nd meeting.

City Attorney Light noted as a reminder, Council closed the public hearing at the July 19, 2016 meeting, so reconsideration of the application would need to be re-noticed for a future hearing. He cautioned any public comment at this meeting should be concerning the resolution of denial being presented and not on the original application or any matters pertaining to asking Council to reconsider the decision made at the last meeting.

Chip Weincek, 672 West Pine accompanied by Creel and Pat Kerss, the applicants, asked Council not adopt Resolution No. 36, Series 2016 and open a new public hearing on the application to address issues brought up at the last public hearing.

Council members discussed procedural issues with the original application, the public hearing and the resolution of denial. It was noted staff was directed, after the public hearing, to bring forward this resolution for denial.

MOTION: Mayor Pro Tem Lipton moved Council approve Resolution No. 36, Series 2016, seconded by Mayor Muckle. Voice Vote – 4-2 Council member Loo and Council member Maloney voted no. Council member Keany abstained.

DISCUSSION/DIRECTION – POLICE DEPARTMENT 2017 – 2021 MASTER PLAN

Council agreed to discuss this at a future Council meeting.

ORDINANCE NO. 1727, SERIES 2016 – AN ORDINANCE AMENDING SECTIONS 13.08.040 AND 13.08.180 AND SECTION 13.12.020 OF THE LOUISVILLE MUNICIPAL CODE REGARDING WATER SERVICE REGULATIONS AND WATER TAP FEES – 1st Reading – Set Public Hearing 08/16/2016

Mayor Muckle called for a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1727, Series 2016 and noted it was before Council on first reading.

Mayor Muckle moved Council approve Ordinance No. 1727, Series 2016 on first reading, order it published and set the public hearing for August 16, 2016, seconded by Council member Stolzmann. All in favor.

CITY ATTORNEY'S REPORT

Approval of Special Counsel Engagement

City Attorney Light noted the need to appoint special counsel for a sales and use tax matter. He asked Council to consider a motion to appoint Berg Hill Greenleaf Ruscitti as special counsel to the City for the defense of a sales and use tax appeal matter.

Council member Leh recused himself as his wife has represented this plaintiff and he did not want any appearance of conflict. He left the room.

Mayor Muckle moved to appoint Berg Hill Greenleaf Ruscitti to represent the City in these matters as suggested by the City Attorney, seconded by Council member Keany. All in favor. Council member Leh absent.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Council member Stolzmann noted some new technology items available for check out at the Library. There is a ten year celebration of the Library on Saturday.

Council member Keany noted the celebration at the Community Gardens on Thursday, August 4, 2016.

EXECUTIVE SESSION

CITY MANAGER ANNUAL EVALUATION

Louisville Code of Ethics, Section 5-2(b), CRS 24-6-402(4)(f)
– Authorized topics

Mayor Muckle requested the City Council re-convene an Executive Session for the purpose of conducting an Annual Performance Review of the City Manager.

City Attorney Light introduced the request for executive session.

Deputy City Clerk Hanson read Section 2.90.050 – Public statement of the Louisville Municipal Code, which outlines the topics permitted for discussion in an executive session.

City Attorney Light stated the authority to conduct this executive session: Louisville Code of Ethics, Section 5-2(b), CRS 24-6-402(4)(f) – Authorized topics.

MOTION: Mayor Muckle moved the City Council adjourn to executive session for the purpose of a performance review of the City Manager as authorized by the laws noted

by the City Attorney and the executive session include the City Council and the City Attorney seconded by Council member Stolzmann. The motion carried by a vote of 7-0.

The City Council adjourned to executive session at 10:12 p.m.

The City Council meeting reconvened at 11:26 p.m.

CITY ATTORNEY REPORT ON THE EXECUTIVE SESSION

City Attorney Light reported in executive session, the City Council discussed the annual performance review of the City Manager and gave direction to the staff on how to proceed. An evaluation document will be brought to City Council for their consideration and shared with the City Manager.

ADJOURN

MOTION: Mayor Muckle moved for adjournment, seconded by Council member Keany. All were in favor. The meeting was adjourned at 11:28 p.m.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk